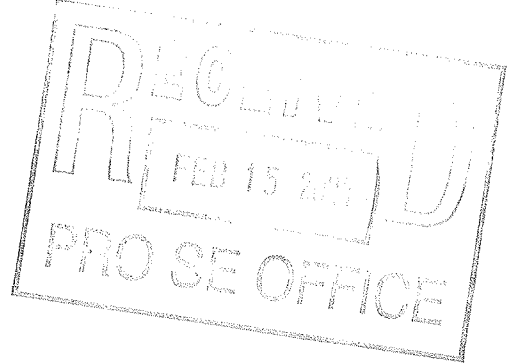


United States District Court  
Southern District of New York

Jeremy Pinson,  
Elmer Moreno,  
Ernesto Zaragoza-Solis III,  
Kevin Masa,  
Bruce Altenburger,  
Jayson McNeil,  
Esther Welsh  
Plaintiffs,

Case No.



FOIA/PA and CIVIL  
RIGHTS COMPLAINT

Introduction

Plaintiffs are federal prisoners whose contact with a New York City media organization, and Massachusetts based reporter for that media organization, were subjected to severe retaliation by federal prison officials. They now seek declaratory and injunctive relief.

A. The Parties

1. Jeremy Pinson # 16267-064 is a federal prisoner currently housed in the Secure Administrative Unit (in Washington, D.C. for administrative

- Placements therein, located in Allenwood, PA. ("Plaintiff # 1");
2. Elmer Morano # 93653-280 is a federal prisoner currently housed in Tucson AZ. (Plaintiff # 2);
  3. Ernesto Zawagosa-Solis III # 64572-179 is a federal prisoner currently housed in Coleman, FL. ("Plaintiff # 3");
  4. Kevin Masa # 72508-018 is a federal prisoner currently housed in Terre Haute, IN. ("Plaintiff # 4");
  5. Bruce Altenburger # 34208-057 is a federal prisoner currently housed in the Allenwood Secure Administrative Unit. (Plaintiff # 5)
  6. Jason Mallet #                      is a federal prisoner currently housed in Terre Haute, IN. (Plaintiff # 6)
  7. Esther Welsh is a citizen and activist who lives and works in Rego Park, NY. (Plaintiff # 7)
  8. The Federal Bureau of Prisons is headquartered in Washington, D.C. with 6 regional offices and more than 100 prisons including multiple in New York State. ("Defendant BOP").
  9. The Marshall Project, located at 156 West 80th Street, 3rd Floor, New York, NY, 10019 is named as an Interested Party to this action.

## B. Cause of Action

1. Violation of the First Amendment to the United States Constitution
2. Violation of FOIA/PA, 5 U.S.C. 552, 552(a)

1. Plaintiffs # 1-6 are federal prisoners whom were contacted by The Marshall Project and its Massachusetts based staff writer Beth Schwartzkopf and participated in the collection of information by them to publish a story about the Prison Rape Elimination Act and its failures to protect at BOP facilities in multiple States.
2. The Marshall Project is a non-profit journalism project founded in 2014 by Neil Barsky and named for famed Supreme Court Justice Thurgood Marshall.
3. Plaintiff # 1 and Plaintiff # T corresponded regularly, and Plaintiff # T assisted in forwarding information between Plaintiff # 1-6 and The Marshall Project via Mail, telephone and Internet based communications.
4. Plaintiff's # 1-6 were each at various times victims of sexual abuse or harassment in BOP facilities. Pinson is transgender.
5. Other inmates, such as Karlie Herrera were victims of sexual abuse which led to staff prosecutions. (See: United States v. Herrera, No. 17-CR-415-PAC (S.D.N.Y. May 24, 2023)) Herrera and Pinson cooperated with entities like The Marshall Project to expose the sexual abuse in BOP facilities and helped recruit Plaintiff's 2-7 to participate and/or assist with the same.
6. BOP officials in Washington, D.C. monitored Plaintiff communications.

with The Marshall Project including a telephone interview of Pinson. One BOP official in D.C. emailed Pinson for details of when The Marshall Project would publish its story and what it might say.

7. Shortly after they began cooperating with Schwartzapel and Welsh, plaintiff's # 1-6 were each threatened by BOP staff with retaliatory transfers and long-term segregation. When each declined to cease communicating with The Marshall Project Plaintiff's 1-6 were systematically placed under "SSS investigations" and scattered across the country. Plaintiff # 7's communications to Plaintiff # 1 began being rejected from multiple BOP facilities in multiple states without notice, an opportunity to be heard, or an opportunity to appeal.
8. Moreover, BOP officials falsely informed Schwartzapel that the Plaintiffs had phone and email access to her to justify denying The Marshall Project's request for an in-person interview of Plaintiff # 1 after Schwartzapel flew for thousands of miles to interview her. All FOIA/PA Requests mailed to BOP by plaintiffs to get information for Schwartzapel to BOP were ignored by BOP.
9. BOP officials also transferred Pinson to its Secure Administrative Unit. And despite warnings that she not be housed alone (Att. A) placed her in solitary confinement on Control Unit escort procedures. It has previously promised not to do so in *Pinson v. U.S. Dept. of Justice, et al.*, Case No. 12-cv-01872-RC (D.D.C. 2021). Pinson has suffered depression, anxiety, panic attacks and suicidal ideation since entering solitary confinement and has spent more than 5,000 days of her sentence in segregation.

D. Requested Relief

1. Plaintiff's seek a declaratory judgment stating that defendant BOP's actions violated the First Amendment as to Plaintiff's 1-7.
2. Plaintiff's seek injunctive relief enjoining: (1) BOP's continued retaliation against them (2) BOP's continued interruption and/or obstruction of their mail, telephone, email access with The Marshall Project (3) BOP's continued interruption and/or its obstruction of email, telephone, and mail access between the Plaintiff's # 1-6 and Plaintiff # 7.
3. Award plaintiff's all costs and fees.

Jeremy Pinson

Jeremy Pinson # 16267-004  
USP Allenwood S.A.U.  
P.O. Box 3000  
White Deer, PA, 17887  
Plaintiff # 1

Bruce Altenburger

Bruce Altenburger # 34208-057  
USP Allenwood S.A.U.  
P.O. Box 3000  
White Deer, PA, 17887  
Plaintiff # 5

B L A N K

EMoreno

Elmer Moreno # 93653-280

USP Tucson

PO Box 24550

Tucson AZ 85734

Plaintiff # 2

estherwelsch

Esther Welsh •

9520 6th Avenue

Rego Park, NY, 11374

Plaintiff # 7

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Kevin Masa

Kevin Masa # 72508-018

USP Terre Haute

Plaintiff # 4

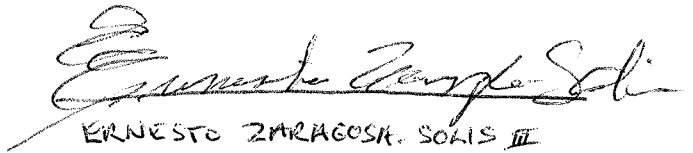
Jayson McNeil

Jayson McNeil #

USP Terre Haute

Plaintiff # 6

BLANK



ERNESTO ZARAGOSA SOLIS III

USPS 2 Coleman

P.O. Box 1032

Coleman FL 33521

Plaintiff # 3

THE MARSHALL PROJECT  
156 West 56<sup>th</sup> St, 3rd Floor  
New York, NY, 10019

INTERESTED PARTY ONLY

BETH SCHWARTZ APFEL  
THE MARSHALL PROJECT  
156 West 56<sup>th</sup> St, 3rd Floor  
New York, NY, 10019

INTERESTED PARTY ONLY

Date: 06/30/2023  
Time: 10:07 AM

Facility: TCN

Federal Bureau of Prisons  
TRULINCS  
Message  
Sensitive But Unclassified

Message

FROM: 16267064 PINSON, JEREMY VAUGHN  
TO: Transgender Executive Council  
SUBJECT: \*\*\*Request to Staff\*\*\* PINSON, JEREMY, Reg# 16267064, TCP-Z-A  
DATE: 05/06/2023 08:58 PM

To: all  
Inmate Work Assignment: none

Its Saturday night here in Arizona. On May 2, 2023 Officer Miguel Vasquez met with his attorneys in the US Attorneys Office in the Pinson v. United States, No. 19-cv-00401-RM (D.Ariz.) lawsuit that is going to trial over me cutting myself with a contraband razor in Sept. 2020 243 times. After meeting with his lawyers, to prep for trial, do you know what he did immediately thereafter in the SHU here?

Two inmates, Raul Galindo and Eric Gooch, ask him to pass a banana of all things, and Vasquez tells them that he can no longer pass because an inmate sued him and is snitching on him in federal court. Those inmates naturally inquired "who?" and Vasquez told them that the person responsible was none other than me, Jeremy Pinson.

I would think that this place would have the sense not to have your star witness commit perjury in a sworn declaration then come back into the prison and admit your own wrongdoing to two inmates who are among the 61 inmates prepared to testify against the BOP in Pinson v. United States, No. 19-cv-00422-RM (D.Ariz.) but, hey, it is what it is. What struck me is that he did so, nonchalant as if the suffering he enabled is not worth being upset or remorseful about, but is instead something to be mad about. He legitimately sees himself as the victim in this case, irrational as that may be.

I am about to send something to the Judge, and a bunch of copies of my communications to the TEC/OIG on TRULINCS so they can see with their own eyes that the BOP does not follow its own policies, it does not investigate or address staff misconduct, in fact no matter how serious the email and the policies involved, the TEC and OIG are no more interested in a meaningful investigation/accountability into its own staff any more than the local staff are.

My cellmate on Friday came back from seeing Dr. Hermosillo and told me he was being questioned about a PREA in 2020. I asked him, how many times did they see you? And to my astonishment he said he has not been seen on his 2020 PREA in 3 years. Can you believe that? They waited 3 years to interview a PREA victim. Ernesto Zaragosa-Solis deserved better than that. A lot of people did.

But back to Vasquez, how can you people get mad at me for suing for negligence when he gave me a razor that is prohibited in this SHU, lied to the Court about it, and now spreads the narrative that I am a snitch for telling on him. This kind of obliviousness by the staff is why nothing ever changes. 3 years after cutting myself 243 times with a razor people are still getting razors and still hurting themselves. David Holland, Freedom Woody, Nathan Bryan, Matthew Calek, Damian Dela Cruz, on and on the list goes. And nothing ever changes. You guys get all these emails, so does the OIG, and you do nothing with it. You don't investigate, You hold no one accountable, and still the blood drips all over this SHU, and will continue to drip until someone dies. Will a suicide wake you people up into taking action? What exactly has to happen? Ten suicides? I mean, this is just stupid in my view, that this stuff happens over and over again and you people in Washington exhibit willful blindness to it. Because you are more interested in protecting this petty tyrant of a Warden, Mark Gutierrez, than doing what is right. Than upholding the duties Congress bestowed upon you.

I look forward to the trials coming up, I really do. Because I cannot wait for the nightmare shit-show that is this institution to be aired out in a federal courthouse for the public, the media, and the court to finally see. Doing nothing is not a problem solving tool guys. This agency disgusts me on so many levels. I cannot wait to stand outside 320 First Street NW with thousands of protestors bringing justice to such an arrogant and deliberately indifferent bureaucracy. I can wait until social media, conventional media, the internet, make it possible to bring transparency to an agency that operates so foolishly.

AH4. A

INMATE NAME/NUMBER: Jeremy Pivson # 16267-004  
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD USP  
P.O. BOX 3000  
WHITE DEER, PA 17887

~~FEB 08 2024~~  
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Mailed From US Penitentiary

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Legal Mail

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